

LOWER FREMONT RIVER DISTRIBUTION SYSTEM MEETING

2:00 P.M. COUNTY COURTHOUSE, LOA, UTAH

April, 1971

The meeting was opened by Judge Ferdinand Erickson at 2:00 p.m. The judge apologized for not holding the meeting on the specified first Monday in April but he had a court hearing on his schedule which conflicted with this first Monday meeting. The judge indicated that all interested parties had been notified of this meeting.

Judge Erickson read the minutes of the previous meeting. The minutes were approved as read.

The financial statement was read by Hubert C. Lambert, Utah State Engineer. Judge Erickson called attention to the fact that the trust fund balance had been drawn upon during this previous year. Mr. Lambert pointed out that the delinquent accounts amounted to \$90.43 and that some effort should be made to collect this amount. Judge Erickson indicated that he would endeavor to collect these delinquencies. The financial statement was approved as read.

Judge Erickson then called upon Grant Chappel, the River Commissioner, for his report with special emphasis on the Garkane Power Company canal which was not used by the power company last year. Mr. Chappel indicated that he had used the canal as a regulating reservoir. He had stored surplus water from periods of high flow and used it at periods of low flow to get water to Caineville and Hanksville. Mr. Lambert asked specifically if the water was high water and was assured that it was. Mr. Chappell indicated that moss had not been a serious problem and that the system had generally worked quite well.

Judge Erickson then asked for a report on the dispute between the Capitol Reef National Monument and the Capitol Reef Lodge re Clair Bird. The State Engineer indicated that the Southeastern Area Office had spent considerable time on the dispute last year. Two or three meetings were held on the matter with the disputants in attendance. Personnel from the office had prepared an estimate which indicated that a pumping plant and pipeline from the river to the lodge could have been constructed for under \$3,000. The State Engineer indicated that his office had done all that could be done to resolve the dispute. The Park Service indicated that they were precluded by law from spending money on any project which would benefit only a private party. This prevented them from participating in a pumping plant and from cleaning a ditch which they did not use. The Park Service indicated they were no longer using the ditch because of high maintenance costs. They indicated however, that Mr. Bird was free to use the ditch and that he could clean it within the limitations set by federal regulations and that he was free to take whatever water he wanted and needed. The Park Service had not and would not interfere with Mr. Bird's taking of water through the ditch. Mr. Bird was asked how much he would contribute to the cost of a pumping plant and pipeline. He indicated he would put up \$500.00 if the Park Service would put up the remainder. Mr. Lambert indicated that perhaps litigation was the only solution. Judge Erickson said that perhaps it was the only solution but that it should be resorted to only if all else failed. Judge Erickson indicated that he would be glad to meet with the concerned parties in order to work out a solution to the problem, if possible. Mr. Lambert indicated the State Engineer's Office would be available for help if necessary. Judge Erickson indicated he would see Tex Olson, Bird's Counsel, the next day and would speak with

him. Perhaps a meeting could be set up between Olsen, Bird, Solicitor McConkie, Superintendent Wallace and any other interested parties and perhaps resolve the matter. Mr. Bird indicated that if something was not worked out within 3 weeks he would clean the ditch himself using whatever methods he deemed necessary. The subject was then closed.

Boyd Black of Torrey indicated that he had a problem. He indicated that he had water which was delivered at 3 different points along the Torrey Irrigation Company canal. He wanted to use the water at 1 any or all points but that the irrigation company would not let him do this. Don Pace of the Torrey Irrigation Company indicated that there were some complications which had not been mentioned. Since neither the Judge nor the State Engineer were familiar with the matter it was proposed that Mr. McKinney of the State Engineer's Southeastern Area Office meet with Mr. Black and go over the problem and then meet with the irrigation company in an effort to solve the problem.

Mr. Lambert then addressed a few remarks to the area office program. He indicated that the Legislative Analyst had analyzed the Area Office program and found it to be feasible. It was pointed out that with no increase in budget a Sevier River Office could have been established at Richfield. Mr. Lambert indicated that it had been reported that Senator Thorpe Waddingham had placed a restriction in the State Engineer's budget appropriation to the effect that no office was to be established at Richfield. Mr. Lambert indicated that the adjudication of the Dirty Devil Division of the Colorado River system could proceed much more rapidly if a Sevier River office were established.

Mr. Alvin Taylor of the Fremont Irrigation Company asked about the applications of Mountain States Resources and Garkane Power Company. He was told that the Mountain States Resources and Garkane Power applications had both been received. He was told that the Mountain States Resources application would probably not be pursued in its present form and that the Garkane application had just been received but had not yet been advertised.

Judge Erickson then indicated that it was time to consider the Budget and Assessment. He complimented the River Commissioner on the fine work he had done and on his annual report. He indicated that he had received 2 applications for the position of River Commissioner. One was from Mr. Chappel, the present Commissioner and the other application was from John M. Johnson of Hanksville. The judge indicated that he did not know Mr. Johnson. Leo D. Jackson of the Caineville Irrigation Company indicated that Mr. Johnson was a good man, reliable and honest. He indicated that he was a son of Mr. Glen P. Johnson of the Hanksville Canal Company. The judge asked Mr. Chappel if he was satisfied with the conditions. Mr. Chappel indicated that at the previous year's meeting he wanted a \$200.00 raise but because of the withdrawal of the Garkane Power Company from the system he had withdrawn the request. He now wished to request an additional \$200.00 in salary. Mr. Boyd Black nominated Grant Chappel to be River Commissioner and Talmage Jensen seconded the nomination. No other nominations. Judge Erickson called for a vote. There were no votes cast against the confirmation of Mr. Chappel as River Commissioner. Mr. Glen P. Johnson, Hanksville Canal Company objected to the raise but the judge pointed out that the vote was on Grant Chappel with a \$200.00 raise. There being no dissenting votes he was elected. The Budget was set as follows:

| Item | |
|------|--|
| 1. | Commissioner's Salary \$1500.00 |
| 2.* | Matching Social Security 62.40 + adjust |
| 3.* | Matching State Retirement 55.25 + adjust |
| 4. | Commissioner's Travel 720.00 |
| 5. | Bonds & Insurance 40.00 |
| 6. | Annual Report 50.00 |
| 7.* | Miscellaneous adjusted |
| 8. | Telephone Expense 35.00 |
| | <hr/> |
| | Total 1971 Budget \$2,650.00 |
| | Total 1971 Assessment \$2,250.00 |

*Items 2, 3 and 7 were to be adjusted as required. Total budget \$2,650.00

Mr. Lambert had suggested that Budget Item 5 be raised to \$40.00 to more nearly cover the expenditures. Budget Items 2 and 3 were to be set as required by law and Budget Item 7 was to be adjusted so that the total budget would be \$2,650.00.

Mr. Leo D. Jackson asked about the high water filings of Gaineville Canal Company and the Hanksville Canal Company. Mr. McKinney indicated that this was to be the subject of a meeting which he had asked Mr. Jackson and Mr. Johnson to attend after the conclusion of this meeting. Since this was already scheduled it would be unnecessary to go into the matter during this regular meeting.

John Christensen indicated he wanted to meet with the River Commissioner and Mr. McKinney to set a meeting to discuss a problem about Durfee Brothers diversion and Christensen Ranches diversion.

Mr. Boyd Black brought up the subject of breaks in the Torrey Irrigation Company canal which damaged his land. The judge indicated that the irrigation company would be responsible for damages under most circumstances.

Mr. Lambert made a statement bringing to the attention of the assembly that HB 79 which was passed by the just adjourned legislature placed changes in diversion works and changes in stream channels within the jurisdiction of the State Engineer.

There being no further business, Judge Erickson adjourned the meeting until the first Monday in April 1972.

LOWER FREMONT RIVER SYSTEM MEETING

APRIL 12, 1971 - 2:00 P.M.

NAME

Judge Ferdinand Erickson
Hubert C. Lambert
Kenward H. McKinney
William Robert McConkie
William F. Wallace
Don W. Pace
Talmage Jensen
Grant Chappell
Clair Bird
John V. Christensen
Alvin Taylor
Glen P. Johnson
Glenn Whitby
Leo D. Jackson

REPRESENTING

District Court
State Engineer
Division of Water Rights, Price
Regional Solicitor, U.S. Department of Interior
Superintendent, Capitol Reef National Monument
Secretary, Torrey Irrigation Company
Self
River Commissioner
Capitol Reef Lodge
Christensen Ranch
Fremont Irrigation Company
Hanksville Canal Company
Hanksville Canal Company
Caineville Canal Company